

ORDINANCE NO. 2022-04

**AN ORDINANCE OF THE TOWN OF ZIONSVILLE, INDIANA TOWN COUNCIL
APPROVING AN AMERICAN RESCUE PLAN ACT PLAN**

WHEREAS, the Town Council (the “Council”) of Town of Zionsville, Indiana (the “Town”) has given consideration to identifying certain projects (such projects, as may be amended from time to time, the “Projects”) as described in the Town of Zionsville, Indiana American Rescue Plan Act Plan attached hereto as Exhibit A (the “ARPA Plan”); and

WHEREAS, the Town has previously created and established the ARP Coronavirus Local Fiscal Recovery Fund (Fund Number 176) into which certain funds received, or to be received, from the federal government pursuant to Section 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (“ARPA”) have been or will be deposited, for the purpose of paying certain costs incurred by the Town prior to December 31, 2024, as permitted by ARPA and the regulations thereunder and in accordance with the Town’s ARPA Plan, as approved by the Council and amended from time to time; and

WHEREAS, the Council has determined and found that it will be of public utility and benefit and in the best interests of the Town to proceed with the Projects.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA, AS FOLLOWS:

SECTION 1. Approval of ARPA Plan. The ARPA Plan attached hereto as Exhibit A is hereby approved. The ARPA Plan may be amended from time to time so long as the amendment complies with ARPA and any related regulations and the amendment is approved by the Council and the Mayor of the Town.

SECTION 3. Other Action. The appropriate Officers of the Town are hereby authorized and directed to take any other action deemed necessary or advisable in order to effectuate purposes of this Ordinance.

SECTION 4. No Conflict; Effectiveness. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed. This Ordinance shall be in full force and effect from and after its adoption and the procedures required by applicable law.

Introduced and filed on the ____ day of _____, 2022. A motion to consider on First Reading was sustained by a vote of _____ in favor and _____ opposed, pursuant to Indiana Code § 36-5-2-9.8.

DULY PASSED AND ADOPTED this ____ day of _____, 2022, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of _____ in favor and ____ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

	YEA Signature	NAY Signature
Jason Plunkett, President		
Brad Burk, Vice-President		
Alex Choi Member		
Joe Culp, Member		
Josh Garrett, Member		
Craig Melton, Member		
Bryan Traylor, Member		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville Mayor Emily Styron on the ____ day of _____, 2022, at _____.m.

ATTEST: _____
Amelia Anne Lacy,
Municipal Relations Coordinator

MAYOR'S APPROVAL

Emily Styron, Mayor

Date

MAYOR'S VETO

Emily Styron, Mayor

Date

EXHIBIT A

TOWN OF ZIONSVILLE, INDIANA

AMERICAN RESCUE PLAN ACT PLAN

ADOPTED AS OF MARCH 7, 2022

Table of Contents

Contents

Overview of Funding.....	6
Summary of Proposed Uses of Funding.....	7
Town of Zionsville, Indiana ARPA Funding Plan	8
Proposed Actions to Respond to COVID-19 Public Health Emergency	8
Proposed Actions to Respond to the Negative Economic Impacts of COVID-19	9
Proposed Actions to Respond to COVID-19 Public Health Emergency by Providing Premium Pay to Eligible Workers Who Have Performed Essential Work.....	10
Proposed Uses for the Provision of Governmental Services using Revenue Loss Funds	11
Proposed Actions to Invest in Water, Sewer, and Broadband Infrastructure.....	12

Overview of Funding

American Rescue Plan Act & Coronavirus State and Local Fiscal Recovery Fund

On March 11, 2021, President Joe Biden signed the American Rescue Plan Act (“ARPA”) into law. Among its many provisions intended to address the COVID-19 pandemic, the ARPA included the Coronavirus Local Fiscal Recovery Fund (“FRF”), intended to provide local governments with funds to respond to the impact of COVID-19. The FRF funds may be used by recipients for the following four purposes:

1. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
2. To respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers;
3. For the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
4. To make necessary investments in water, sewer, or broadband infrastructure.

On May 17, 2021, the United States Department of the Treasury (“Treasury”) issued an Interim Final Rule, providing guidance and clarifying the nature and scope of expenses eligible for payment using FRF funds. On January 6, 2022, Treasury issued a final rule (the “Final Rule”) which provided flexibility and simplifications regarding the use of the FRF funds. The Final Rule takes effect on April 1, 2022, but recipients of FRF funds can take advantage of the Final Rule’s provisions as of the date of its publication.

Town of Zionsville’s Allocated Funding

Congress allocated the FRF funds under the ARPA to support non-entitlement units of local government (NEUs). In sum, the FRF provided \$19.53 billion to NEUs, which is then distributed by states. The Town of Zionsville, Indiana (the “Town”) has been allocated \$6,402,231.80 in FRF funds, of which it has received \$3,201,115.90 as of March 7, 2022.

Town of Zionsville ARPA Plan

In accordance with guidance issued by the Indiana State Board of Accounts, the Town has adopted this plan outlining the intended uses, amounts, and justifications for its FRF expenditures. These numbers are estimates for each category and may change based on need, COVID conditions and or bids/quotes that come in higher or lower. Likewise, projects may be added and or removed. This plan is to layout a roadmap for the Town Government to utilize these dollars to have the greatest overall impact on the Town.

Summary of Proposed Uses of Funding

The Town plans to use its FRF funds in the below amounts and permitted categories, further detailed in the following pages of this plan:

Category	Amount
Responding to COVID-19 public health emergency	None.
Responding to negative economic impacts of COVID-19	None.
Providing premium pay to eligible workers	\$623,162.00
Provision of government services to extent of reduction in revenue	\$2,577,953.90
Water, sewer and broadband infrastructure development	None.

Town of Zionsville, Indiana ARPA Funding Plan

Proposed Actions to Respond to COVID-19 Public Health Emergency

None as of 3/7/22.

Proposed Actions to Respond to the Negative Economic Impacts of COVID-19

None as of 3/7/22.

Proposed Actions to Respond to COVID-19 Public Health Emergency by Providing Premium Pay to Eligible Workers Who Have Performed Essential Work

1. Premium Pay for Essential Workers

Proposed Action: The Town plans to provide premium pay to certain eligible workers who performed essential work during the COVID-19 public health emergency. The Town has identified select Public Safety staff as appropriate recipients of premium pay. Premium pay shall be provided as follows:

- One-time payments to members of the Zionsville Fire Department required to respond to calls and/or emergencies in the following amounts:
 - Up to \$5000 for full-time firefighters, not to exceed \$13.00/hour of work performed.
 - Up to \$1500 for part-time firefighters, not to exceed \$13.00/hour of work performed.
 - Up to \$5000 to fire inspectors/Fire Marshall, not to exceed \$13.00/hour of work performed.
- One-time payments of up to \$5000, not to exceed \$13.00/hour of work performed, to members of the Zionsville Police Department required to respond to calls and/or emergencies.

The Town has determined that the eligible employees above perform “essential work” and that the premium pay awards respond to eligible workers performing essential work during the COVID-19 public health emergency, as required by the Final Rule.

Estimated cost: \$623,162.00

Justification: Recipients may use ARPA funds to provide premium pay to eligible workers who perform essential work.¹

¹ “A recipient may use funds to provide premium pay to eligible workers of the recipient who perform essential work or to provide grants to eligible employers that have eligible workers who perform essential work, provided that any premium pay or grants provided under this paragraph (c) must respond to eligible workers performing essential work during the COVID-19 public health emergency.” 31 CFR § 35.6(c)

Proposed Uses for the Provision of Governmental Services using Revenue Loss Funds

1. Government Services Projects

Proposed Action: The Town plans to use up to the full amount of its allocation of FRF funds for the provision of government services, which may include, but is not limited to, maintenance or pay-go funded building of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services. Projects under this category are to be determined jointly by the Mayor and the Town Council, and this Plan shall be amended as needed to specify such agreed upon projects.

Estimated cost: \$2,577,953.90

Justification: Recipients may use elect a standard revenue loss amount of up to \$10,000,000 or the recipient's entire allocation of FRF funds, whichever is less, for the provision of government services. The provision of government services includes, but is not limited to, maintenance or pay-go funded building of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.²

² "A recipient may use funds for the provision of government services to the extent of the reduction in the recipient's general revenue due to the public health emergency, calculated according to this paragraph (d). A recipient must make a one-time election to calculate the amount of the reduction in the recipient's general revenue due to the public health emergency according to either paragraph (d)(1) or (d)(2) of this section... Standard allowance. The reduction in the recipient's general revenue due to the public health emergency over the period of performance will be deemed to be ten million dollars." 31 CFR § 35.6(d)

Proposed Actions to Invest in Water, Sewer, and Broadband Infrastructure

None as of 3/7/22.